IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 22ND SEPTEMBER 2006 / 31ST BHADRA 1928

Bail Appl..No. 5341 of 2006

CRIME NO.20/2006 OF TIRUR EXCISE RANGE

.....

PETITIONER/ACCUSED:

KARIKUTTY, S/O. VELAYUDHAN,
AGED 63 YEARS, ANGATHIL HOUSE, VETTOM AMSOM,
VEVANNA DESOM, TIRUR TALUK.

BY ADV. SMT.JAYASREE MANOJ

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5341/2006

DATED THIS THE 22ND DAY OF SEPTEMBER, 2006

O R D E R

The petitioner was found in illegal possession of 500 liters of illicit arrack, by the Inspector of Excise Range, Tirur, who registered C.R.No.20/2006 of that Excise Range, under Section 8(1) & (2) of the Abkari Act. The petitioner is aged 61. However, it is submitted by the prosecution that there is another case registered against the petitioner and this offence had been committed, while he was on bail.

2. In the circumstances of the case, because of the operation of the Section 41A of the Abkari Act, the petitioner is not entitled for bail. However, the learned counsel produced a medical certificate stating that the wife of the petitioner is suffering from acute Cervico Brachial Neuralgia right side, with Poly arthralgia. She is undergoing treatment in the Government Hospital, Tirur.

3. The counsel submitted that the wife of the

petitioner is to be attended and there is no one else to look after her. The petitioner got married and though the age of the wife is 35 years, she is not able to look after herself alone.

4. I had directed the learned Public Prosecutor to verify the facts that are submitted by the learned counsel, with regard to the admission and treatment of the wife of the petitioner and also the ailments, stated thereafter. However, the prosecution submits that though he sent the communication to the Inspector of Excise Range, Tirur, no written message is so far received.

5. In the above facts situation of the case, accepting the certificate that he had produced before me, I grant bail and release the petitioner from jail, subject to the following conditions:-

> (a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the competent

Magistrate Court.

(b). The petitioner shall report before the Investigating Officer, once in a week, on every Thursday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 28.9.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs